

## DELTA PROTECTION COMMISSION

14219 RIVER ROAD  
P.O. BOX 530  
WALNUT GROVE, CA 95690  
PHONE: (916) 776-2290  
FAX: (916) 776-2293



March 17, 1995

226

State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Subject: Draft Environmental Report, Appendix to Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, December 1994

Gentlemen:

I am writing regarding the above-named draft environmental report (DES). The Commission itself has not had the opportunity to review the document, so these are staff comments only.

The Commission is a state agency created to prepare a land use and resource management plan for the Primary Zone of the Legal Delta. The Plan was adopted on February 23, 1995. The Plan is to be implemented by local governments, primarily counties, with an appeal authority to the Commission. The overall goals of the legislation and the plan are to protect agriculture, wildlife habitat and recreation in the Primary Zone.

The adopted Plan does not apply to State and federal agency actions so these comments are meant to be general and informative only. Comments include:

Page IX-13: The DES states: "The [Delta Protection] Commission should include in its regional land use plan provision for disapproving projects that would have significant adverse effects on remaining habitat and requiring enhancement of disturbed habitat as a condition of allowing development".

The Commission does not have the ability to approve or deny projects; regulatory authority is left to the local governments. The Plan does include policies to protect habitat and mitigation. The Counties do address these issues when they evaluate specific projects through the CEQA process. In addition, the Department of Fish and Game and

the Fish and Wildlife Service have important input into the regulatory process which results in protection and enhancement as part of new projects. There is no process to evaluate or restrict the on-going activities which may have a direct or indirect impacts on habitat, such as erosion of remnant channel islands or water-side berms due to various activities.

Page X-8: The DES states: "The SWRCB urges all water users in the State to maximize their production and use of reclaimed water. Urban water agencies should evaluate the installation of nonpotable water distribution pipelines to use reclaimed water for irrigation of parks, greenbelts, golf courses, and other landscaping irrigation in new developments."

The issue of reclamation for irrigation of commercial agricultural crops is not addressed in the DES. There have been concerns raised by and before the Commission that the Delta is an inappropriate location for release of treated wastewater and biosolids for many reasons including: peat soils, high water table, low elevation, and location in the overall State and federal water systems. The Commission's adopted Plan includes a policy prohibiting deposition of wastewater or biosolids in the Primary Zone of the Delta.

Page X-11: The DES states: "The DWR, the USBR, and other interested parties should evaluate the feasibility of purchasing the Delta Islands with the most serious land subsidence problems and converting the land use to some function that would minimize subsidence and reduce water use. Water freed up by this project could be available for export."

This issue should be addressed in more detail and should include a thorough discussion of the current scientific research on subsidence of peat soils, a definition of what peat soils would be subject to retirement, a range of options for private and public ownership and management, and an evaluation of the water to be available as a result of any acquisition programs. For example, the following changes in land use could be evaluated: row crops to grazing; row crops to wetland managed for habitat only, or for hunting clubs; reservoir; deep water aquatic habitat; trade for publicly owned land which would be suitable for agriculture; placement of dredged materials; and/or opening to tidal flows.

The long-term protection of the island levees carries a substantial, permanent financial responsibility. Any analysis of acquisition by public entity and retirement from agriculture should include evaluation of financial impacts.

Thank you for the opportunity to review the DES. Please feel free to call for clarification of any comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margit Aramburu", with a long horizontal flourish extending to the right.

Margit Aramburu  
Executive Director

cc: Commissioner Robert Potter

SWRCB